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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,989	01/07/2002	Robert J. Manard	D/A1167 XER 2 0448	4794

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Mark S. Svat
Fay, Sharpe, Fagan, Minnich & McKee, LLP
7th Floor
1100 Superior Avenue
Cleveland, OH 44114-2518

EXAMINER

BRIER, JEFFERY A

ART UNIT

PAPER NUMBER

2628

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,989

Applicant(s)

MANARD ET AL.

Examiner

Jeffery A. Brier

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-12, 15-18 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-12, 15-18, and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on 06/21/2006 has been entered.

Response to Arguments

2. Applicant's arguments filed 06/21/2006 have been fully considered but they are not persuasive because the Bartok reference, after mapping process 332 is completed, does not alter the colormap or the color image displayed during accessing step 334 and execution step 336. Applicants argument in the paragraph spanning pages 5 and 6 concerning claim 17 is incorrect because after process 332 is complete the mapping that is performed by the computer in response to a user selecting a hotspot does not alter the image displayed to the user. Thus, Bartok does not alter the pixel color map image when the user is interacting with the displayed image in order to select a hotspot and, thus, selecting a corresponding computer function. The argument presented for claim 1 on page 6 is not persuasive for the same reason that the computer does not alter the pixel color map when the operator graphical interface is being engaged by an operator when the computer is correlating a pixel color to a computer function. The argument presented for claim 10 on page 6 is not persuasive because Bartok's computer does not alter the pixel color map when the operator selects a first desired region via a pointing device when the computer is correlating a pixel color to a computer program function. In summary, applicants' arguments concerning Bartok are not persuasive because Bartok does not alter the color pixel map when the computer is

correlating (claimed mapping) a pixel color value with a computer function to be performed by the computer when the user selects via a pointing device a pixel or region of the image.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 10-12, 15, and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim limitation added to claim 10 at line 11 "or comparable color values" is not manifested and not conveyed by the originally filed specification to one of ordinary skill in the art. Applicants' specification's paragraph 0022 states "For example, whereas selection of red color resulted in a function of checking the paper stature, and selection of the blue color resulted in the function of checking the number of copies printed, the mapping of the colors in the system may be such that selection of both red and blue will cause the function of checking the paper status." and paragraph 0023 states "Then, and when the user wishes to map two or more colors to the same action, this may be accomplished using the offscreen action map. Particularly, if in FIG. 2 only two actions are to be undertaken, then three of the colors (e.g., 18, 20, 22) could be mapped to the white colored

box of the offscreen map (12) and the remaining three colors (24, 26, 28) to the black colors of the offscreen map (14). It is to be appreciated that this change is done only as an example and other arrangements could be used to accomplish this outcome. For example, if a look-up table were used, multiple colors may be associated with the same instruction.” The specification discusses red and blue being used to result in the same function being performed and discusses using two or more colors to result in the same function being performed. However, the specification does not convey the scope of the claimed “comparable color values”. Similarly, the specification does not define what is meant by the claimed “comparable color values”.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 6-12, 15-18, and 21 are rejected under 35 U.S.C. 102(b) as being anticipate by Bartok, US patent 5,737,553. The Bartok reference, after mapping process 332 is completed, does not alter the colormap image displayed during accessing step 334 and execution step 336. The claims of this application correspond to Bartok's accessing step 334 and execution step 336.

A detailed analysis of the claims follows.

Claim 1:

Bartok teaches a computer system performing interactive commands, comprised of:

an input responsive to an operator action (Figure 1, column 1 line 20-25 and column 5 line 24-30, keyboard 18, and mouse 20);

an output for performing a computer program function (Output ports 34 for connecting to various output devices in addition to display 14. Column 14 lines 5-10 discuss a computer output function.);

an operator graphical interface including a pixel color map (Color image 60. Column 6 lines 10-21 and column 7 lines 61-65 discuss color image 60. Likewise a map is discussed at column 3 lines 21-26 and column 12 lines 19-27. Similarly at column 8 line 23-27 teaches the pixel color map may be an off-screen bitmap.) supported on the computer system, displayed on a computer monitor display screen (14) and being engaged by the operator via the input (16) configured to selectively map (Changing activate to map in the 6/21/2006 amendment does not differentiate this claim from Bartok since when Bartok's computer correlate a pixel color to a computer function the computer is mapping the pixel color to a computer function.) at least one sensitive region on the display screen (Any color of the image may be mapped to a computer implemented function. Refer to the abstract, column 7 lines 61-65, column 8 lines 40-50 and 58-60, and column 14 lines 30-35.), and

wherein the at least one sensitive region is designated in the pixel color map without altering the pixel color map (This claim limitation corresponds to Bartok's

accessing step 334 and execution step 336 and not to the mapping process 332.

Accessing step 334 and execution step 336 does not alter the color image displayed on the monitor.), the region associated with at least one pixel color value selected from the pixel color map currently displayed on the graphical interface which triggers the computer program function (Each pixel of the color image may trigger a computer implemented function corresponding to its color.).

Claim 2:

Bartok teaches the computer system according to claim 1, wherein the operator graphical interface includes files selected from the group of a GIF file, JPEG file, an HTML file, and an offscreen file because it teaches using any pixel based color image as the graphical interface. GIF, graphics interchange format, is a bit-mapped graphics file format. HTML file supports links to other documents, as well as graphics used by the World Wide Web that is also supported by the graphics card of Bartok. JPEG forms a pixel based image on the display screen. The map is an offscreen file that corresponds a pixel's color to a computer implemented function.

Claim 3:

Bartok teaches the computer system according to claim 1, wherein the input is a computer mouse, a trackball, or a keyboard, whereby the

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operator interface program samples and processes signals from the input (Column 4 lines 54-59 discuss mouse 20 and keyboard 18 and implicitly inherently teaches a trackball by including "other peripheral equipment required for operation".)

Claim 6:

The computer system according to claim 1, wherein the computer program function performs diagnostics (Column 4 lines 60-64 discusses computer functions which include diagnostics.).

Claim 7:

The computer system according to claim 1 , the pixel color map is an offscreen bitmap (Column 8 line 23-27 teaches the pixel color map may be an off-screen bitmap. Similarly column 3 lines 21-26 teaches using color indices as an off-screen bitmap since an index for each pixel number will be required.).

Claim 8:

The computer system according to claim 1, wherein an algorithm is mapped to a specific pixel color value and performs a particular computer program function (Column 4 lines 60-64, column 6 line 64 to column 7 line 4, and column 7 lines 61-65 teach each pixel color is mapped to a corresponding computer implemented function.).

Claim 9:

The computer system according to claim 8, wherein a plurality of algorithms are mapped to a plurality of pixel color values (Column 4 lines 60-64, column 6 line 64 to column 7 line 4, and column 7 lines 61-65 teach each pixel color is mapped to a corresponding computer implemented function.).

Claims 10 and 17:

These claims are similar to claim 1 and they are rejected for the reasons given for claim 1 and additionally discontinuous hot spots are discussed at column 7 line 61 to column 8 line 5 and column 14 lines 30-35 which teaches "mapping all regions of said pixel color map image that comprise the at least one color value... as the selected region with the computer program" of claim 10 and which teaches "mapping an algorithm to all occurrences of the at least first pixel color value including occurrences of the at least first pixel color value outside of the selected region without altering the pixel color map image" of claim 17.

Claim 11:

This claim corresponds to claim 8.

Claim 12:

This claim corresponds to claim 9.

Claim 15:

This claim corresponds to claim 7.

Claim 16:

This claim corresponds to claim 6.

Claim 18:

This claim corresponds to claim 6.

Claim 21:

This claim corresponds to claim 9.

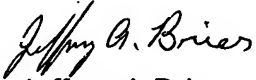
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:00 to 3:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeffery A Brier
Primary Examiner
Division 2628